

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Bail Appl.No. 7176 of 2006()

CRIME NO. 151/06 OF PANNIYANKARA POLICE STATION

PETITIONERS: ACCUSED 1 TO 8

1. M.BASHEER, S/O.POCKER,
AGED 35 YEARS, ODAKUMDAMPOYIL HOUSE,
THALAYAD P.O., UNNIKULAM, BALUSSERY, KOZHIKODE.
2. ABDUL MAJEED.P.K., S/O.MOIDEENKOYA,
AGED 42 YEARS, PADINHARAKINARULLATHIL HOUSE,
P.O.KOKKALLUR, KOKKALLUR AMSOM DESOM,KOZHIKODE.
3. V.P.MUHAMMED BAQAVI,
S/O.HUSSAINKUTTY HAJI, AGED 36 YEARS,
VALUAPPOYIL HOUSE, KIZHAKKOTH P.O.,
KODUVALLY (VIA), KOZHIKODE.
4. K.SAINUDHEEN, S/O.KUNHAYAMMU,
AGED 29 YEARS, KAMBER HOUSE, HAJIYAR PALLI P.O.,
ERANAD TALUK, MALAPPURAM.
5. M.P.MUHAMMED MUSTHAFI,
S/O.KUNNI MUHAMMED, AGED 26 YEARS,
MUDIRIPPARAMBAN, NELLIKUTH P.O.,
MANJERI, MALAPPURAM.
6. P.K.BASHEER SAHADI, S/O.AMMED,
AGED 29 YEARS, KANNADIPOYIL P.O.,
BALUSSERY, KOZHIKODE.
7. MUHAMMED HANEEFA, S/O.MOIDEEN,
AGED 28 YEARS, VALAPPIL HOUSE,
P.O.KURUNGATTIRI, AREECODE AMSOM DESOM,
MALAPPURAM DISTRICT.
8. MUJEEB RABIMAN.E., S/O.AHAMMED KUTTY.E.,
AGED 32 YEARS, ERAKOTTUMMEL HOUSE,
KALPALLY, MAVOOR P.O., KOZHIKODE,
PIN-673 661.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE, PANNIYANKARA POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

Bail Application NO. 7176 of 2006

DATED: 5-12-2006

ORDER

In this Petition filed under Sec. 438 Cr.P.C. the petitioners who are accused Nos. 1 to 8 in Crime No. 151/06 of Panniyankara Police Station for an offence punishable under Sec. 153 A read with Sec. 149 I.P.C., seek anticipatory bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting inter alia that the grant of anticipatory bail to the petitioners will further incite the religious feelings of the community at large.

3. After hearing both sides and from a perusal of the offending article , I am inclined to grant anticipatory bail to the petitioners. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioners on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the

following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
4. Petitioners shall not commit any offence while on bail.
5. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

**V.RAMKUMAR,
JUDGE.**

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